CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

MAY 4, 2010

INVOCATION:
Senior Pastor Clete Doyal of First Christian Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Cordero, Orach, Patino, and Mayor Lavagnino.

MEMBERS ABSENT
Councilmember Zacarías

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Fire Chief Jones, Director of Utilities Sweet, Director of Public Works/City Engineer Whitehead, Director of Administrative Services Visé, Parks Services Manager Davis, Police Chief Macagni, Planning Division Manager Woods, and Chief Deputy City Clerk Perez.

ANNOUNCEMENTS
Mayor Lavagnino announced that Councilmember Zacarías was not present due to the death of her mother, Olga Garcia, today. He expressed condolences and prayers on behalf of the City Council to Councilmember Zacarías and her family. The City Council would be adjourning the meeting in honor of Olga Garcia.

PROCLAMATION – GO WESTERN DAYS
Mayor Lavagnino read a proclamation declaring May 1 - June 6, 2010, as "Go Western Days" in the City of Santa Maria and encouraging all residents to enter into the rodeo spirit by wearing western apparel. The proclamation was accepted by Keith Barks.

PROCLAMATION – ELKS NATIONAL YOUTH WEEK
Councilmember Patino read a proclamation declaring the week of May 2 – May 8, 2010, as "Elks National Youth Week" in the City of Santa Maria and urging all departments of government, civic, and patriotic groups and citizens generally to participate wholeheartedly in its observance. The proclamation was accepted by Keith Barks.

PROCLAMATION – INTERNATIONAL COMPOST AWARENESS WEEK
Councilmember Orach read a proclamation declaring the week of May 2 – 8, 2010, as "International Compost Awareness Week" in the City of Santa Maria in recognition of the efforts of the Composting Councils, Extension Agents, householders, landscapers, farmers, recyclers, public workers, composters, gardeners, and plant growers everywhere. The proclamation was accepted by Bob Engel.

PROCLAMATION – NATIONAL DAY OF PRAYER
Councilmember Cordero read a proclamation declaring May 6, 2010, as "National Day of Prayer" and encouraging people of all faiths to participate in the National Day of Prayer according to their own traditions. The proclamation was accepted by Pastor Dave Brogen.

PROCLAMATION – NATIONAL TOURISM WEEK
Mayor Lavagnino read a proclamation declaring the week of May 8 – May 16, 2010, as "National Tourism Week" in the City of Santa Maria and encouraging all residents to

recognize and support the importance of travel and tourism and the contributions tourism makes to the economic, social and cultural well-being of the community. The proclamation was accepted by Terri Paniagua and Gina Keough.

PROCLAMATION – NATIONAL PUBLIC WORKS WEEK
Councilmember Patino read a proclamation declaring the week of May 16 – 22, 2010, as "National Public Works Week" in the City of Santa Maria and calling upon all residents and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our heath, safety, comfort, and quality of life. The proclamation was accepted by Director of Public Works/City Engineer Dave Whitehead.

PROCLAMATION – WATER AWARENESS MONTH
Councilmember Orach read a proclamation declaring the month of May 2010, as "Water Awareness Month" in the City of Santa Maria, and urging residents and businesses to increase their water awareness and make conservation a continuing way of life. The proclamation was accepted by Myra Ritchie, Water Conservation Specialist. Ms. Ritchie presented awards to the Water Awareness Month Poster Contest winners: Victor Lua, 1st Place Winner, and Adan Ortiz, 3rd Place Winner. Krystal Diaz, 2nd Place Winner, was not present.

PUBLIC COMMENT
Mark Rademaker talked about the Ten Commandments and Planned Parenthood.

Mickey Freeman spoke about people who address the City Council in a foreign language and requested the Mayor require them to speak in English.

Paula James thanked the Mayor for making the motion to implement E-Verify for new City employees and for vendors and contractors who do work for the City. She expressed disappointment that the other Councilmembers did not support using E-Verify for vendors and contractors. She congratulated Arizona for passing the new immigration law and submitted a copy of the new law for the Council.

CONSENT CALENDAR
Mayor Lavagnino requested Item 3H be pulled for discussion.

Item 3H – Mall Parking Structure A Call for Bids
Mayor Lavagnino referenced the staff report and asked if the existing lighting at the mall parking structure did not meet current standards.

Director of Public Works/City Engineer replied there was nothing about the parking structure lighting that did not meet safety standards. However, there has been a lot of technical advancement in the lighting industry in the last few years, particularly with regard to energy efficiency. The project would improve lighting levels and also energy efficiency at the parking structure.

Consent Calendar Items A through I were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Cordero, Orach, Patino, and Mayor Lavagnino
NOES:	None
ABSENT:	Councilmember Zacarías
ABSTAIN:	None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of April 20, 2010, were approved as submitted.

C. WARRANTS
Warrant Nos. 158283 to 158595 totaling $1,758,294.63 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 157383, 157901, 157948, and 158152 were cancelled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. AUDITOR AGREEMENT
Resolution No. 2010-44 was adopted rescinding that portion of Resolution No. 2005-82 which limits the term of service for the current auditor and authorizing the Director of Administrative Services to execute a one-year extension of the current agreement with Moss, Levy & Hartzheim, Certified Public Accountants.

Resolution No. 2010-44 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, THAT RESCINDS THAT PORTION OF RESOLUTION 2005-82, WHICH LIMITS THE TERM OF SERVICE FOR THE CURRENT AUDITOR AND APPROVES AN AGREEMENT WITH MOSS, LEVY & HARTZHEIM, CERTIFIED PUBLIC ACCOUNTANTS FOR PROFESSIONAL AUDITING SERVICES.

F. TRANSIT PROFESSIONAL DEVELOPMENT GRANT
Resolution No. 2010-45 was adopted approving receipt of a grant from the State of California Department of Transportation (Caltrans), Division of Transportation Planning for Transit Professional Development, in the amount of $30,000 for an internship program.

Resolution No. 2010-45 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING RECEIPT OF A GRANT FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR TRANSIT PROFESSIONAL DEVELOPMENT.

G. NOTICE OF CONTRACT COMPLETION
The City Council approved the Notice of Contract Completion for the South Blosser Road Reconstruction Project, Bid No. 2009/11 and directed the Chief Deputy City Clerk to record same.

H. CALL FOR BIDS
The City Council gave approval to call for bids on the plans and specifications for Mall Parking Structure A – Federal Stimulus Energy Efficiency Project, Bid No. 2010/13.

I. ANNEX AND ASSESS PROPERTY
Resolution No. 2010-46 was adopted annexing and assessing MJA Cooling Addition/Expansion into the Southwest Landscape and Lighting District, and Resolution No. 2010-47 was adopted annexing and assessing Adam Business Park into the Northeast Landscape and Lighting District.

Resolution No. 2010-46 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO MJA COOLING ADDITION/EXPANSION LOCATED IN THE SOUTHWEST LANDSCAPE MAINTENANCE DISTRICT (STREETS AND HIGHWAYS CODE Section 22500, ET SEQ.).

Resolution No. 2010-47 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO ADAM BUSINESS PARK

LOCATED IN THE NORTHEAST LANDSCAPE MAINTENANCE DISTRICT (STREETS AND HIGHWAYS CODE Section 22500, ET SEQ.).

COMMUNITY WATCH SANTA MARIA 2010: BE A CHANGE AGENT

Police Chief Danny Macagni gave the staff report. On December 3, 2009, he received a letter from Dr. Gabareé requesting a meeting to explore ideas of citizen involvement that could assist the Department in carrying out its mission. The following week, he met with Dr. Gabareé to discuss his vision of faith-based organizations throughout the City, in unison with other community groups, assisting the Department in the reporting, combating, and ultimate reduction of crime within the community. Dr. Gabareé communicated that he was cognizant of the sensitive nature regarding church and state perceptions in society and sought direction, input, and feasibility from a law enforcement perspective. He supported Dr. Gabareé's vision and in the subsequent months, the Police Department partnered with Dr. Gabareé and provided input, direction, and data to aid in Dr. Gabareé's pursuit of his goal. In February of this year, he again met with Dr. Gabareé who presented the finished product of Community Watch 2010 which included a brief DVD of the program's philosophy and mission.

On March 9, 2010, Dr. Gabareé sought the Department's advice and approval to draft a flyer that would be disseminated throughout the City and at community meetings, appealing to the citizens of Santa Maria to become involved in Community Watch 2010. The flyer explains how the public can involve themselves in crime reporting and proposes ideas to aid in combating youth gang violence. The flyer is printed in both English and Spanish.

The Police Department fully supports Dr. Gabareé and acknowledges the Community Watch 2010 program as a positive and viable mechanism for community members to come together and make a genuine impact in our community.

Dr. Gabareé highlighted his proposal for Community Watch 2010. Community Watch 2010 is a faith-based initiative for greater community concern and awareness. It has three components: real-time support for the Santa Maria Police Department by being the community's eyes and ears; structured and planned prayer for the Police Department and the youth of the community; and structured and planned service projects in the community. He created a call-in script for community members to report crimes anonymously. There is also "Make a Difference Sundays" on the first Sunday of each month, first to pray for the Police Department and the youth of the community in the morning; and second, to complete a community-service project in the afternoon. The ultimate goal was to help influence a City-wide cultural shift towards one of community involvement, ownership, and ongoing support for the Santa Maria Police Department. He said he was amazed at the support and response from the community. He hoped that in future years people would look back and remember 2010 as the year a difference was made in the community.

Mayor Lavagnino thanked Dr. Gabareé and said he was truly a good man and would do big things for the City of Santa Maria.

Councilmember Orach asked if the information would be posted on the City's website. He also talked about some of the youth groups in the community that should be contacted to participate in the program.

Councilmember Patino stated she would try to get the word out to the many youth groups in the community.

Harry Johnson commented in his neighborhood he could not get a neighborhood watch going because of the drug dealers. He talked about some of the problems he encountered and the lack of Police Department response to his concerns.

Chief Macagni stated the Police Department had a lot of documentation on Mr. Johnson's complaints and everything had been investigated. When an incident is reported, the Police Department investigates it and forwards it to the District Attorney's Office. None of Mr. Johnson's complaints were ignored. The Department spent an

enormous amount of time with Mr. Johnson. Every time he calls, they try to address his issues. If it is an in-progress call, they dispatch officers. However, Mr. Johnson sometimes can't be satisfied. The Police Department will continue to respond to his calls, but they can only do what the law allows.

The City Council received and filed the report.

FINANCIAL REPORT FOR THIRD QUARTER

Director of Administrative Services Visé gave the staff report. He highlighted the economic condition of the nation and the State of California. While the City of Santa Maria is known to be fiscally responsible and live within its means, problems at the National and State level continue to severely impact City finances, and it appears that recovery will be very slow. The City continues to experience a decline in sales tax revenues, decreases in property tax values, and State raids on local revenues.

With 75 percent of the year complete, revenues are at 55.8 percent of projections while expenditures are at 68.7 percent of appropriations. Total revenue and transfers are $29.8 million. Total revenues and transfers are less than budgeted and $3.3 million less than last year. If the decline in revenues continues for the remaining two quarters, total General Fund revenues could come in as much as $1.5 million less than anticipated. This is alarming given the fact that going into this fiscal year, revenues were already reduced $2.9 million. Expenditures are approximately $1.8 million less than the prior year. Though the expenditures are below 75 percent, departments are being encouraged to make a concerted effort to reduce all expenditures for the remainder of 2009-10. Due to the shortfall in revenues, the City will have to use its one-time reserves to finance ongoing operating expenditures this fiscal year. The City spent a number of years building its reserves; and if "on-going" expenditures are not reduced, or if revenues continue to fall, reserves will need to be used to finance operational expenses over the next several years. In the Water/Wastewater Fund, expenditures exceeded revenues by $20.2 million, primarily as a result of large capital projects and from pre-payments for State Water. Approximately $16 million was expended for the Wastewater Expansion Project. This project is vital to the community since the current wastewater plant was operating at near capacity. In the Solid Waste Fund, refuse expenditures exceeded revenues by $2.6 million. $4.5 million of capital project expenses are responsible for the third quarter loss. However, current reserves in the Solid Waste Fund are sufficient to cover the planned negative cash flow.

A budget amendment report is also presented for Council's consideration which deals with unanticipated costs associated with the City having to defend itself against lawsuits, grievances, and other personnel-related matters brought against the City by City employees and initiated specifically by the Santa Maria Police Officers Association (SMPOA). Staff is requesting a transfer of $186,200 from the General Fund Reserves and $429,250 from the Insurance Fund reserves to finance the cost incurred by the City to defend itself against these actions. This request should cover defense costs through the end of this fiscal year; however, staff anticipates having to spend probably an additional $440,000 next fiscal year just to close out the current pending cases with the City employees and the SMPOA.

Mayor Lavagnino stated staff was asking for a budget amendment in the amount of about $186,000 as a result of actions taken by the Santa Maria Officers Association plus another $440,000 for next fiscal year. That would put about five new police officers on the street if the City did not have to pay these costs. He said it was very disturbing that City employees had caused these costs to be incurred by the City of Santa Maria.

Councilmember Orach asked how many suits the SMPOA has either currently or forecast to happen.

City Manager Ness stated it represents 20 cases that have currently been initiated against the City including 5 lawsuits, 7 disciplinary appeals, and 8 personnel-related matters.

In response to a question from Councilmember Orach, Assistant City Manager Haydon stated there were about 3 current cases that were not police officer related.

Councilmember Patino asked how much effort the City Attorney's office expends trying to reconcile these cases before going to court.

City Attorney Trujillo explained that one of his responsibilities was to try to keep the City out of litigation. His office made an extensive effort to try to meet with the representatives of the single law firm which was responsible for all of these cases. Their efforts were rebuked. In a recent lawsuit, in which the City prevailed, they made every effort to reach out and meet with the representatives of the law firm to resolve their request for public records. The City believed it had provided all the records to that firm. A member of his staff offered to meet with the law firm three times to ensure that the City had complied with their request for records. All they received in return was silence and a lawsuit which ultimately was dismissed in its entirety. That particular case was handled in-house so there was only the significant amount of staff time expended which impacted their operations. His office also attempted to resolve another lawsuit, which was the shift-bidding grievance lawsuit. That case was also won by the City on its merits after a court trial. Outside counsel was used to successfully defend that lawsuit at a cost of $32,000.

Councilmember Cordero stated these were just actual figures that the City had expended and was not attaching blame to anyone. It was just the bare facts.

Resolution No. 2010-48 was adopted approving amendments to the Budget for 2009-10 for operational expenses on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Zacarías
ABSTAIN: None

Resolution No. 2010-48 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AMENDMENTS TO THE BUDGET FOR 2009-10 AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT SAME.

2009 GENERAL PLAN ANNUAL PROGRESS REPORT

Planning Division Manager Woods gave the staff report. As required by California Government Code Section 65400, the Community Development Department is submitting an Annual Report to the City Council, the Governor's Office of Planning and Research, and the State Department of Housing and Community Development. The report includes the status of the General Plan and progress in its implementation, as well as the City's progress in meeting its share of regional housing needs. A news release, notifying the public of availability of the draft report was posted on the City's website. No written communications were received prior to the Planning Commission meeting on April 7, 2010. After receiving no public comment at the meeting, the Planning Commission unanimously voted to recommend the filing of the General Plan Annual Progress Report. The most noteworthy conclusions contained in the report are: only 55 new housing units were added in 2009, 293 building permit applications resulted from City Code Compliance special investigations; the Building and Safety Division issued 1,366 building permits for residential and non-residential construction and staff made 8,190 building and safety related inspections; and the Planning Commission held 20 public meetings, 22 study sessions and considered 28 discretionary projects. In addition, the Planning Commission forwarded 13 recommendations for discretionary projects and other actions to the City Council.

On motion by Councilmember Cordero, seconded by Councilmember Orach, and carried unanimously, the City Council received the 2009 General Plan Annual Progress Report and directed the City Clerk to file the report with the Governor's Office of Planning and Research (OPR) and Housing and Community Department (HCD).

CITY MANAGER'S REPORT
City Manager Ness reported on anticipated items for the May 18, 2010, City Council meeting including one appointment to the All-America City Committee and the Measure A Local Program of Projects.

ORAL REPORTS BY COUNCILMEMBERS
Councilmember Orach reported he attended the Kick-Off for the Elks Rodeo and encouraged the community to support the Elks Rodeo Queen contest as that money went back into the community.

Mayor Lavagnino reported he attended the Santa Maria Public Airport District Board meeting, the Santa Maria Joint High School District Board meeting regarding adult education, the Central Coast Water Association meeting, and former District Attorney Christie Stanley's funeral.

Councilmember Patino reported she attended District Attorney Candidate Joyce Dudley's forum at Sheppard Hall, a COLAB dinner, the "Every Fifteen Minutes" event at St. Joseph's High School, the Manufacturers Association Meeting, a California Women for Agriculture meeting, a League of Women Voters forum, Christie Stanley's funeral, the Women's Fund meeting, the Good Samaritan Shelter lunch, the Fighting Back Santa Maria Valley Board meeting, and a Book Club meeting at the Minerva Club.

Councilmember Cordero reported he attended a Future Search spin off meeting, a Peoples Self-Help Housing meeting, a dinner honoring Supervisor Joe Centeno, a Peace Week meeting, participated in the Comcast Cares Project at Fesler School and the Special Olympics at St. Joseph's High School, attended the Los Prietos Boys Camp Dreamers Show, Christie Stanley's Funeral, the Elks Rodeo Kick-Off Dinner, and the Boys and Girls Club Silent Auction.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 8:10 p.m. by Mayor Lavagnino in honor of Olga Garcia, Councilmember Zacarías' mother.

APPROVED

May 18, 2010
Date

Patricia Rubery
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Patricia Rubery
Chief Deputy City Clerk

S. Lavagnino
Mayor of the City of Santa Maria